

BEFORE THE IOWA PLUMBING AND MECHANICAL SYSTEMS BOARD

IN THE MATTER OF)	
)	
Gary Ewert,)	No. PM20100010
License no. 05046,)	
)	
Licensee.)	NOTICE OF INTENT TO RESCIND MASTER HVAC LICENSE
)	

COMES NOW the Iowa Plumbing and Mechanical Systems Board (Board) and hereby files this Notice of Intent to Rescind Licensee's Master HVAC License. Licensee possesses Master HVAC License number 05046; such license is active and will expire June 3, 2014.

The intent to rescind Licensee's Master HVAC License is based upon the following:

LEGAL GROUNDS

The Board is directed by statute to issue master licenses only to those individuals who have fulfilled the qualifications listed in Iowa Code section 105.18(c). Such qualifications include passing the state licensing exam and prior experience as a licensed journeyman or master. Through December 31, 2009, ["the waiver period"], those examination and experience requirements were waived by statute for applicants who could "demonstrate to the satisfaction of the board that the applicant has five or more years of experience prior to July 1, 2008, in the [applicable discipline], which experience is of a nature that the board deems to be sufficient to demonstrate continuous professional competency consistent with that expected of an individual who passes the applicable licensing

examination which the applicant would otherwise be required to pass.” Iowa Code § 105.18(4)(b)(2009).

FACTUAL CIRCUMSTANCES

1. Licensee applied for his Master License during the waiver period under section 105.18(4)(b).
2. On his application, Licensee listed no experience for HVAC, but indicated that he worked at C. Ewert’s Plumbing and Heating for a period of years.
3. Licensee was granted his Master HVAC License in 2009, and renewed this license on June 3, 2011.
4. Through contact with the Board’s investigator, Licensee indicated that he did not possess work-related HVAC experience, although he had attended some HVAC courses.

BOARD FINDINGS

The Board has determined that Licensee did not possess five or more years of experience prior to July 1, 2008, in the HVAC business sufficient to demonstrate continuous professional competency consistent with that expected of an individual who passes the state master licensing exam.

Licensee did not meet the statutory qualifications for a Master HVAC license at the time of Licensee’s application. Licensee’s Master HVAC license was issued in error.

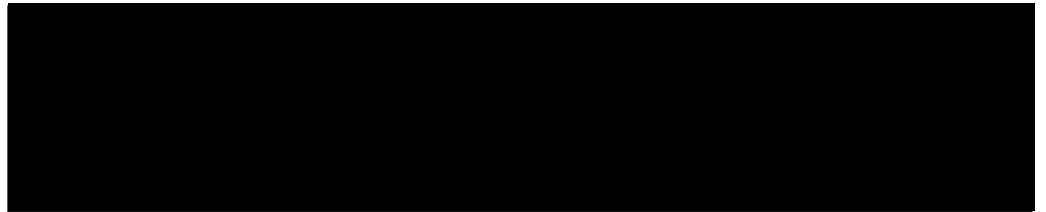
NOTICE OF APPEAL RIGHTS

You may appeal the Board's preliminary notice of denial of license by serving a notice of appeal and request for hearing upon the board not more than thirty days following the date of mailing of this notice. Send your request for hearing to the following address:

Iowa Plumbing and Mechanical Systems Board
Lucas State Office Building
321 E 12th St.
Des Moines, IA 50319

The request for hearing shall specifically describe the facts to be contested and determined at the hearing. The hearing shall be held pursuant to the process outlined at 641 IAC Chapter 33.

If an appeal is not filed within this time period, this preliminary notice of intent to rescind Licensee's Master HVAC license will become final.



Copies to:

September Lau
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover Bldg.
Des Moines, IA 50319

Gary Ewert